

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT OF THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION :

MDL NO. 1968

**DECLARATION OF DIANNE M. NAST IN SUPPORT OF
RODANAST, P.C.'S APPLICATION FOR FEES AND EXPENSES**

I, Dianne M. Nast, declare and state as follows:

1. I am a Senior Shareholder of RodaNast, P.C. I submit this declaration in support of the firm's application for fees and reimbursement of expenses in connection with common benefit services rendered in prosecuting this action.

2. RodaNast, P.C. Senior Attorney Daniel N. Gallucci was appointed to the Plaintiffs Steering Committee ("PSC") in November 2008. Prior to his appointment, Mr. Gallucci actively participated in Plaintiffs meetings and conference calls. In addition to his appointment to the PSC, Mr. Gallucci is a member of the Digitek Discovery Committee.

3. The attorneys and paralegals of the firm contributed a total of 365.80 common benefit hours from August 13, 2008, the date of JPMDL transfer, to November 30, 2010, with a lodestar at current hourly rates of \$149,019.50. From the inception of the case to August 12, 2008 (pre-MDL transfer), the firm contributed a total of 5.9 hours, with a lodestar at current hourly rates of \$2,714.50. The common benefit hours worked by each firm employee are as follows:

Name	Hours	Current Rates	Lodestar
MDL PARTNER			
Dianne M. Nast	26.60	\$ 650.00	\$ 17,290.00
MDL SENIOR ASSOCIATE			
Daniel N. Gallucci	264.25	\$ 445.00	\$ 117,591.25
Jennifer S. Snyder	0.60	445.00	267.00
Joanne E. Matusko	15.70	430.00	6,751.00
TOTAL MDL ATTORNEY	307.15		\$ 141,899.25
MDL PARALEGAL			
Hollie M. DeFilippo	25.65	\$ 165.00	\$ 4,232.25
Amber N. Halsted	37.00	145.00	5,365.00
Karen A. Moyers	1.90	125.00	237.50
TOTAL MDL PARALEGAL	64.55		\$ 9,834.75
TOTAL MDL HOURS/LODESTAR	371.70		\$ 151,734.00

The aggregate time for the firm from inception of the litigation through November 30, 2010 is 371.70 hours with a current lodestar of \$151,734.00. The firm's daily, contemporaneously-maintained time records are available upon request and will be tendered immediately in response to such request.

Additionally, the firm has a total of \$29,679.65 in unreimbursed MDL Common Benefit Held Expenses in connection with the prosecution of this litigation. The expense detail is as follows:

Description	Cumulative Total
Assessments	\$ 25,000.00
Internal Reproduction/Copies	19.50
Computer Research	30.64
Postage/Express Delivery/Messenger	55.53
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	4,174.99
Digitek Litigation Group Dues	375.00
Third party conference calls	23.99
TOTAL MDL HELD EXPENSES	\$ 29,679.65

4. The following summarizes this firm's contribution to the litigation.

Detailed information is contained in the firm's daily time records, which were timely submitted to Plaintiffs' Liaison Counsel.

5. Prior to MDL transfer, Attorney Daniel N. Gallucci and I actively participated in Plaintiffs' meetings and conference calls. After transfer, Mr. Gallucci attended Plaintiffs' meetings in Chicago and Houston and attended Status Conferences in West Virginia. Attorney Joanne E. Matusko attended a settlement conference in Philadelphia on August 19, 2010.

6. Mr. Gallucci, Ms. Matusko and I participated in numerous conference calls and worked on assigned briefing and other written projects. By way of example, Mr. Gallucci participated in preparation of the response to Defendants' Rule 12 Motions; Plaintiffs' response to Defendants Motion to Dismiss Counts Five and Eighteen of the Master Complaint; the Master Complaint and Complaint by Adoption; a protocol for the inspection and testing of the recalled pills; and the Digitek Tolling Agreement.

7. The firm's attorneys also worked on assigned discovery projects. Mr. Gallucci participated in preparation of the Protective Order; Interrogatories and Requests for Production of Documents; Preservation Order; Plaintiffs' Fact Sheet; the response to Defendants' Lone Pine Motion; and the Brief in Opposition to Rule 11 Sanctions.

8. Additionally, Senior Attorney Jennifer S. Snyder participated in a research project regarding Notice to Class Members.

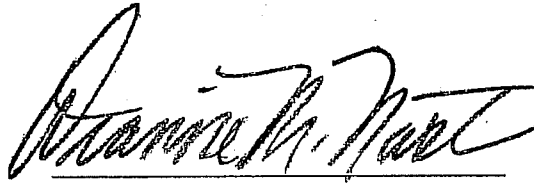
9. Excluding the work undertaken by the paralegal staff in support of the PSC-assigned attorney work described above, RodaNast, P.C. committed 302.25 attorney hours to this case with a corresponding lodestar at current rates of \$139,349.75.

10. The hourly rates for the shareholders, other attorneys and professional support staff are the same as the usual and customary hourly rates charged for their services in non-contingent matters and have been accepted and approved in multiple other litigations. Attached as Exhibit 1 is a brief firm biography.

11. This firm made a financial contribution, incurring \$29,662.54 in unreimbursed expenses in connection with the prosecution of this litigation from August 13, 2008 (the date of MDL transfer) to November 30, 2010. The firm incurred \$17.11 in expenses from the inception of the case through August 12, 2008. The aggregate total of all expenses is \$29,679.65. The expenses incurred are reflected on the firm's books and records that are prepared from expense vouchers, check records and other source materials and represent an accurate record of expenses incurred.

Executed on this 11th day of February 2011 at Lancaster, Pennsylvania.

February 11, 2011

A handwritten signature in black ink, appearing to read "Dianne M. Nast", written over a horizontal line.

Dianne M. Nast
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FIRM BIOGRAPHY

RodaNast, P.C. concentrates its practice in civil cases involving serious loss and damage. It represents persons throughout the United States in class actions and individual litigation, in matters such as antitrust, consumer protection, insurance, commercial disputes, product liability, and personal injury.

RodaNast's attorneys are recognized as leaders in their fields and have received national recognition for their work. Their curricula vitae follow below.

RodaNast, P.C. was established in 1980 as Joseph F. Roda, P.C., and became RodaNast, P.C. in 1995, when Dianne M. Nast, then a shareholder in the law firm of Kohn, Nast & Graf, P.C. in Philadelphia, joined RodaNast, P.C. as a senior shareholder.

ATTORNEYS

Joseph F. Roda is a *magna cum laude* graduate of Harvard College and the University of Pennsylvania Law School, and is a founding shareholder of RodaNast, P.C. He is a Fellow in both the American College of Trial Lawyers and the International Academy of Trial Lawyers. He is listed in *The Best Lawyers in America*, and in each of the past four years has been selected by his peers as one of the top 100 lawyers in the state.

Mr. Roda's practice is limited to litigation and civil trials of individual and class actions. He has been named lead or co-lead counsel in many class actions, and has successfully tried many cases, including commercial, insurance, product liability, personal injury and professional negligence matters. His cases frequently involve

companies that are among the largest in the United States, and in a number of cases he has achieved verdicts that were, for the type of case involved, the highest or among the highest recorded to that point in the jurisdiction where the case was tried.

Mr. Roda has served on the Chief Judge's Advisory Committee for the Eastern District of Pennsylvania, as well as in the House of Delegates of the Pennsylvania Bar Association and as a Hearing Committee member for the Disciplinary Board of the Pennsylvania Supreme Court. He has twice been named Chairman of the Governor's Nominating Commission to recommend judicial candidates for vacancies occurring on the Lancaster County Court of Common Pleas.

Dianne M. Nast, a founding shareholder, is a *magna cum laude* graduate of Rutgers University School of Law. From 1976 to 1995, she was a shareholder with the Philadelphia law firm of Kohn, Nast & Graf, P.C. (now Kohn, Swift & Graf, P.C.).

Ms. Nast has been named by *Philadelphia Magazine* as one of Pennsylvania's top fifty women attorneys. She is included in *The Best Lawyers in America*, in every edition since 2003. *The National Law Journal* has selected Ms. Nast as one of the nation's top fifty women litigators.

Ms. Nast was appointed in 1998 by then Chief Justice William H. Rehnquist to a five-year term as Chair of the Board of Directors of the Federal Judicial Center Foundation. She served as a Director of the Federal Judicial Center Foundation from 1992 until 2002.

In January 2001, Judge Edward Becker, then Chief Judge of the United States Court of Appeals for the Third Circuit, appointed Ms. Nast to serve as a member of the fifteen-member Third Circuit Task Force on Selection of Class Counsel.

Ms. Nast chaired the Lawyers Advisory Committee for the United States Court of Appeals for the Third Circuit and served a three-year term on that Committee. She served on the Third Circuit's Committee on Revision of Judicial Conduct Rules of the Judicial Council and on the Judicial Conference Long Range Planning Committee.

Ms. Nast has served as Lawyer Chair of the Judicial Conference of the United States Court of Appeals for the Third Circuit. She is a member of the Historical Society of the Third Circuit, and chaired the Circuit's Centennial Celebration.

She was appointed by the late Chief Judge Alfred L. Luongo to Chair the Eastern District of Pennsylvania's Lawyers Advisory Committee, and served for four years in that position. She served for three years as President of The Historical Society for the United States District Court for the Eastern District of Pennsylvania and served for three years as Editor of the Society's Historical Calendar.

She is a member of the American Bar Association Litigation Section, where she has served on the Task Force on State Justice Initiatives, the Task Force on the State of the Justice System and the Task Force on Strategic Planning. She served a three-year term on the Section's Council, served as a Section Division Director, and co-chaired the Section's Antitrust Committee. She served as a Delegate to the American Bar Association House of Delegates and the Pennsylvania Bar Association House of Delegates. She served as a member of the Philadelphia Bar Association Board of Governors. She is a member of the Public Justice Foundation.

In July 2004, Ms. Nast was selected by The American Law Institute to serve as an Adviser for the ALI's Principles of the Law of Aggregate Litigation Project.

She served six years as a Director on the Board of the Public Defender's Office of Philadelphia.

She is a member of the Board of Directors for Pennsylvania's Center for Research on Women and Newborn Health and serves as President of the Foundation's Board. She is a member of Lancaster Catholic High School's Board of Directors.

Daniel N. Gallucci received his Bachelor of Arts in History from Gettysburg College and his Juris Doctorate from the Dickinson School of Law of the Pennsylvania State University, where he was a member of the Woolsack Honor Society and the National Trial Moot Court Team. He was Articles Editor of *The Dickinson Law Review* and received the Best Case Note Award in the 1996-97 Law Review Competition. He also received the Conrad A. and Rocco C. Falvello Memorial Award for Diligence and

Progress and was named to the Order of Barristers for Excellence in Courtroom Advocacy.

Before joining RodaNast, P.C., he was a law clerk to the Honorable Michael A. Georgelis, President Judge of the Court of Common Pleas of Lancaster County.

He is a member of the American, Pennsylvania and Lancaster Bar Associations, the American Association for Justice, in which he serves on multiple committees, and the Pennsylvania Association for Justice..

Mr. Gallucci has tried jury cases involving medical malpractice and wrongful death, and won the third largest jury verdict in the history of Lancaster County, Pennsylvania. He was lead attorney in what is believed to be the largest settlement in United States history for prescription long-acting beta antagonists, one of the most frequently prescribed asthma drugs.

He has been selected for the Plaintiffs' Executive Committees in cases involving the drugs Heparin and Digitek, and as Co-liaison counsel in Pennsylvania state court litigation involving the drug Yaz. He has also served on multidistrict litigation committees relating to Welding Rods, Vioxx, Baycol and Accutane. He has participated as an advocate and presiding officer in multiple arbitrations, and helped to negotiate a \$70 million Serzone class action settlement.

Mr. Gallucci has been selected by his peers as a Super Lawyer in Pennsylvania. He was also chosen by *Philadelphia Magazine* as a Rising Star attorney in Pennsylvania.

Mr. Gallucci frequently serves as a seminar instructor and principal speaker for the Pennsylvania Association for Justice's Continuing Legal Education program. He serves as a Moot Court Judge for the Dickinson School of Law Advocacy Program and as a Chair of the Lancaster Bar Association's Trial Committee since 2002.

In 2006, RodaNast, P.C. received the Michael G. Nast Access to Justice Award in recognition of *pro bono* work undertaken by Mr. Gallucci and two of his colleagues, including Ms. Matusko.

Jennifer S. Snyder received her Bachelor of Arts, *magna cum laude*, from Wellesley College in 1994 and her Juris Doctorate, *cum laude*, from Harvard Law School

in 2002. During law school, she served as an intern for the Navajo Nation Supreme Court and Environmental Defense. She was also a member of the *Harvard Environmental Law Review*, served as president of the Harvard Environmental Law Society and continues to participate in Harvard Law School's Environmental Working Group.

She is a member of the Pennsylvania and Lancaster Bar Associations. She is a member of the Pennsylvania Association for Justice and co-author of the Bad Faith Case Notes for that organization's newsletters. She is also a member of Phi Beta Kappa.

Joanne E. Matusko received her Bachelor of Science from Beaver College and her Juris Doctorate from the Widener University School of Law, where she received a Certificate of Achievement Award for Insurance Law and was a member of the Moot Court team. She also holds an MBA degree from Lebanon Valley College and an Associate's degree in medical technology.

She is a member of the American and Lancaster Bar Associations, as well as the Alumni Associations of Beaver College, Lebanon Valley College and Widener University School of Law. Ms. Matusko is also a member of the Clinical Laboratory Management Association and is an associate member of the American Society of Clinical Pathologists.

Prior to joining RodaNast, P.C., she worked as Director of Laboratory Services at a local hospital and was an Adjunct Instructor of Laboratory Sciences at Thomas Jefferson University College of Allied Health Professions. She is currently an Adjunct Professor at Central Pennsylvania College and Harrisburg Area Community College teaching business, legal, and healthcare classes.

In 2006, RodaNast, P.C. received the Michael G. Nast Access to Justice Award in recognition of *pro bono* work undertaken by Ms. Matusko and two of her colleagues, including Mr. Gallucci.

CASES

RodaNast, P.C. has an extensive class action practice, in addition to its products liability, personal injury and bad faith insurance practice. An exemplar listing of some of the class actions in which Mr. Roda or Ms. Nast has served as Lead Counsel or Executive Committee Member includes the following:

Augmentin Antitrust Litigation (SAJ Distributors, Inc. and Stephen L. LaFrance Holdings, Inc. v. SmithKline Beecham Corp., d/b/a GlaxoSmithKline, Civil Action No. 04-CV-23 (E.D. Va.)), before The Honorable Henry C. Morgan, Jr.

Brooks v. Educators Mutual Life Ins. Co., No. 00-CV-3860 (E.D. Pa.), before The Honorable Anita B. Brody.

Castano Tobacco Litigation, Civil Action No. 94-1044 (E.D. La.), before The Honorable Okla Jones II.

Diet Drug Product Liability Litigation, MDL No. 1203 (E.D. Pa.), before The Honorable Harvey Bartle III.

Foultz v. Erie Ins. Exch., No. 3053, February Term 2000 (Pa. C.C.P. Phila. Cty.), before The Honorable John W. Herron.

Goldman v. RadioShack Corp., No. 03-CV-0032 (E.D. Pa.), before The Honorable Juan R. Sanchez.

Highland Tank and Manufacturing Co. v. Bankers Standard Ins. Co., No. CI-00-10411 (Pa. C.C.P. Lancaster Cty.), before The Honorable Louis J. Farina.

Hypodermics Products Antitrust Litigation, MDL No. 1730 (D.N.J.), before The Honorable Jose L. Linares.

Medtronic, Inc. Implantable Defibrillators Products Liability Litigation, MDL No. 1726 (D. Minn.), before The Honorable James M. Rosenbaum.

Modafinil Antitrust Litigation, Civil Action No. 06-CV-1797, (E.D. Pa.), before The Honorable R. Barclay Surrick.

Ovcon Antitrust Litigation (SAJ Distributors, Inc., et al. v. Warner Chilcott Holdings Company III, Ltd., et al., Civil Action No. 1:05cv02459 (D. D.C.)), before The Honorable Ellen Segal Huvelle.

Paxil Antitrust Litigation (Nichols, et al. v. SmithKline Beecham Corp., Civil Action No. 00-6222 (E.D. Pa.)), before The Honorable John R. Padova.

Serzone Products Liability Litigation, MDL No. 1477 (S.D. W.Va.), before The Honorable Joseph R. Goodwin.

Soders v. General Motors Corp., No. CI-00-04255 (Pa. C.C.P. Lancaster Cty.), before The Honorable Louis J. Farina.

Unisys Corporation Medical Benefits ERISA Litigation, MDL No. 969 (E.D. Pa.), before The Honorable Edward N. Cahn.

Wellbutrin SR Antitrust Litigation (SAJ Distributors, Inc., et al. v. Smithkline Beecham Corp., Civil Action No. 04-5525 (E.D. Pa.)), before The Honorable Bruce W. Kauffman and, subsequently, The Honorable Lawrence F. Stengel.